

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DONTA WILLIS,

Plaintiff,

v.

Case No. 19-CV-963

SEAN DAILEY,

Defendant.

ORDER

Plaintiff Donta Willis, who is representing himself, filed a complaint under 42 U.S.C. § 1983. On April 20, 2020, the defendant filed a motion for summary judgment. (ECF No. 16.) Willis's response materials were due within thirty days of service of the motion, by May 20, 2020. *See* Civil L. R. 56(b)(2)(E.D. Wis.) According to the court's records, he has not responded to the motion or asked for an extension of time to respond. Willis's failure to respond suggests that he does not oppose the motion.


The court will give Willis a final opportunity to file his response materials. If he does not do so by the below deadline or ask for a reasonable extension of time to respond the court will grant the motion and dismiss the case with prejudice and without further notice or hearing. *See* Civil L. R. 7(d) ("Failure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the motion."); Civil L. R. 41(c) ("Whenever it appears to the Court that the plaintiff is not diligently

prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.”).

As a reminder, if Willis responds to the motion, he must respond to each of the defendant’s proposed findings of fact (ECF No. 18) by agreeing with each proposed fact or explaining why he disagrees with a particular fact. If he does not indicate one way or the other, the court will assume that he agrees with the proposed fact. Willis must support every disagreement with evidence. He can do that by relying on documents or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. § 1746.¹ An unsworn declaration is a way for a party to tell his side of the story while declaring to the court that everything in the declaration is true and correct. Willis must also respond to the legal arguments in the defendant’s brief (ECF No. 17).

IT IS THEREFORE ORDERED that, **by June 22, 2020**, Willis shall either respond to the defendant’s motion for summary judgment or ask for a reasonable extension of time to respond. If the court does not hear from Willis by that date, the court will grant the defendant’s motion for summary judgment and dismiss this case.

Dated at Milwaukee, Wisconsin this 22nd day of May, 2020.


WILLIAM E. DUFFIN
U.S. Magistrate Judge

¹ At the bottom of his declaration he should state: “I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature].” 28 U.S.C. § 1746(2).